

**Introduced by Senator Alpert**January 21, 2003

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An act to amend Section 431 of, and to add Section 412.5 to, the Military and Veterans Code, relating to the state militia.

## LEGISLATIVE COUNSEL'S DIGEST

SB 73, as introduced, Alpert. National Guard.

Existing law requires the Adjutant General to perform various duties with regard to the National Guard that are consistent with regulations and customs of the federal military organizations, as may be prescribed by the Governor.

This bill would permit the Adjutant General to establish rules and regulations for the provision of morale, welfare, and recreational activities for members of the National Guard, in accordance with federal military regulations.

The bill would also permit the Adjutant General or the National Guard to accept donations for the benefit of the Military Department.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 412.5 is added to the Military and
- 2 Veterans Code, to read:
- 3 412.5. (a) Notwithstanding any other provision of law, the
- 4 Adjutant General may do all of the following:
- 5 (1) Establish rules and regulations in accordance with Army,
- 6 Air Force, and National Guard Bureau regulations for the



1 provision of morale, welfare, and recreational activities that  
2 benefit soldiers and airmen of the National Guard.

3 (2) Provide other services, in accordance with the regulations  
4 of the Department of the Army, the Department of the Air Force,  
5 and the National Guard Bureau, governing morale, welfare, and  
6 recreation fund activities.

7 (3) Adopt rules and regulations for the establishment and  
8 deposit of military post, welfare, or similar unit, or organizational  
9 funds.

10 (b) The Adjutant General or the National Guard may accept  
11 funds or other donations for the benefit of the Military  
12 Department.

13 SEC. 2. Section 431 of the Military and Veterans Code is  
14 amended to read:

15 431. (a) The Adjutant General may, either directly or through  
16 armory boards, or through subordinate commanders, lease or  
17 otherwise authorize the use of, by any person for any lawful  
18 purpose, manage, supervise all activities in, perform all necessary  
19 military duties with respect to and control all armories that are built  
20 or acquired by the state, that come into possession or control of the  
21 state, or that are erected, purchased, leased, or provided or  
22 contributed to, in whole or in part, by any city, county, political  
23 subdivision, or district, or by anyone, for armory purposes.

24 (b) The Adjutant General may contract with the United States  
25 for the operation of any armory for purposes of training of federal  
26 military personnel, with provision that all state costs related to that  
27 operation shall be reimbursed by the United States.

28 (c) All revenues or income from any armory shall be paid to the  
29 Adjutant General who shall account for the revenues or income to  
30 the Controller at the close of each month in the form that the  
31 Controller prescribes and shall deposit the revenues and income  
32 into the Treasury to the credit of the Armory Discretionary  
33 Improvement Account, which is hereby created, in the General  
34 Fund. The revenues and income in the account shall be available,  
35 when appropriated, to the Adjutant General, for allocation for the  
36 maintenance, repairs, improvements, and operating expenses  
37 necessary or desirable for increased or improved community  
38 utilization of the facilities of the armory from which the revenues  
39 and income were derived. ~~Post, welfare, or similar unit or~~

~~organizational funds may be established and deposited pursuant to  
rules and regulations adopted by the Adjutant General.~~

(d) The Adjutant General, on May 1st of each year, shall submit  
to the Department of General Services and obtain approval of a  
schedule of rental, license, or lease fees for each state-owned or  
leased armory by location. This schedule, when approved by the  
Department of General Services, shall be used by the Adjutant  
General during the next succeeding fiscal year to determine the  
minimum rental, license, or lease fees to be charged the renter,  
licensee, or lessor.

